

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDYSTONE RAIL COMPANY, LLC,

Plaintiff/Counter-Defendant,

v.

JULIO RIOS, JEREMY GAMBOA,
BRIDGER LOGISTICS, LLC,
FERRELLGAS PARTNERS, L.P.,
FERRELLGAS, L.P., BRIDGER RAIL
SHIPPING, LLC, BRIDGER REAL
PROPERTY, LLC, BRIDGER STORAGE,
LLC, BRIDGER SWAN RANCH, LLC,
BRIDGER TERMINALS, LLC, BRIDGER
TRANSPORTATION, LLC, J.J. ADDISON
PARTNERS, LLC, J.J. LIBERTY, LLC,
BRIDGER ADMINISTRATIVE SERVICES
II, LLC, BRIDGER ENERGY, LLC,
BRIDGER LAKE, LLC, BRIDGER
LEASING, LLC, and BRIDGER MARINE,
LLC,

Defendants,

BRIDGER LOGISTICS, LLC,
FERRELLGAS PARTNERS, L.P., and
FERRELLGAS, L.P.,

Defendants/Counterclaimants.

CIVIL ACTION

No. 17-495

ORDER

AND NOW, this 28th day of June, 2019, upon consideration of the Motion to Compel Production of Withheld Documents Under the Crime-Fraud Exception filed by Plaintiff/Counter-Defendant, Eddystone Rail Company, LLC (“Eddystone”) (Doc. Nos. 217, 218), the Opposition filed by Defendants/Counterclaimants Bridger Logistics, LLC, Ferrellgas Partners, L.P., and Ferrellgas, L.P. (collectively, “BL/FG Defendants”), as well as Eddystone’s

Reply, BL/FG Defendants' Sur-Reply, the parties' Supplemental Submissions in letter form,¹ the arguments presented to the Court during a hearing on April 10, 2019, and the documents submitted by BL/FG Defendants for *in camera* review, it is hereby **ORDERED** that the Motion to Compel is **GRANTED**.

It is **FURTHER ORDERED** that:

1. the crime-fraud exception applies to extinguish the attorney-client privilege and work product privilege as to the communications between BL/FG Defendants and their in-house and outside attorneys regarding the following subject matter areas: the restructuring of BTS; the transferring or redirecting of BTS' assets or/and revenue streams; the sale of BTS to Jamex; and the cessation of the Monroe shipping arrangement;
2. BL/FG Defendants shall produce their documents to Eddystone starting within three weeks of the date of this Order; and
3. in the event that BL/FG Defendants file an appeal, their production shall be **STAYED** pending a decision of the Appellate Court. This Court will retain the documents submitted for *in camera* review under seal in chambers until such time.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE

¹We include the latest filing by Eddystone, which is a June 24, 2019 letter. (See Doc. No. 331.)